

Minutes of the **Bylaw Review Committee** meeting held
March 10, 2015
Town Clerk's Conference Room, Town Hall, 455 Concord Avenue
7:30 PM AM

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BELMONT, MA

2017 AUG 25 AM 10: 37

Attendees: Charles Hamann, Chair, Mark Thurber, Raymond Miyares, Ellen O'Brien Cushman (ex-officio)

Other attendees: Bob McGaw, Glenn Clancy, Director of Office of Community Development

Agenda:

Annual Town Meeting Articles

Stormwater Management & Erosion Control

Glenn Clancy explained the need for the amendment . The original Bylaw could be read as requiring compliance with the design standards in the State's Stormwater Management Handbook, which does not require the use of the Northeast Regional Climate Center (NRCC) data. One interpretation could have been that the authorization to reach beyond the state standard was not specifically intended by Town Meeting. We need to tighten this by clarifying the use of the NRCC data. This amendment will explicitly authorize the Selectmen to adopt regulations incorporating the requirement that NRCC data be used.

Secondly the Conservation Commission was given authority to impose higher level conditions on stormwater than just the Wetland Protection Act. This amendment explicitly authorizes the Conservation commission to attach local conditions to Orders of Conditions issued under the Wetland Protection Act to secure compliance with local stormwater requirements. The Commonwealth's Stormwater Handbook for Wetland Protection Act allows use of the Cornell data when applying the Handbook.

Committee provided few edits to the proposed article from Town Counsel. Document attached. Unanimous vote as to form and placement as edited by Committee.

Citizens' Petitions, Jim Williams, et al. A brief discussion of the Instructional Motions by Jim Williams et al on their Citizen Petition warrant articles. Not recreating or amending a General Bylaw therefore the Committee will not comment.

Authority for Town Clerk to Assign Appropriate Alphanumeric References – Purpose is to allow the Town Clerk, under the direction of the Bylaw Review Committee, to assign the appropriate numbering scheme for General Bylaws, consistent with the adopted nomenclature. Document attached. Committee provided few edits. Unanimous Vote as to form and placement as edited by Committee.

Corrections proposed to General Bylaws that Will Require Amendment, offered by Bylaw Review Committee. – Ellen has distributed the corrections necessary and confirmed the necessity with Town Counsel. Ray wrote the article. Document attached:

Article 10 Use of Town Property, Section 60-1000 Subsection C(4)(g) replace "of" with "or" so that it reads "Creation or construction of any temporary or other structure"

Article 2, Animals, Section 60-200D(4) the wording "its requirements" should be replaced with "their requirements", referring back to paragraphs 1,2,3 which is the plural, not singular.

Article 2, Animals, Section 60-200I the wording "Americans with Disabilities, 28 CFR 35.104" should be replaced with "Americans with Disabilities Act, 28 CFR 35.104"

Lastly Article 2, Section 6—205C(3) the wording "notice to abutter" should be replaced with "notice to abutters".

Unanimous vote to insert the article as is into the warrant. Unanimous vote, form and placement.

Minutes of the meeting of May 1, 2014 approved unanimously

Meeting adjourned at 9:20 PM

Respectfully submitted,
Ellen O'Brien Cushman

Warrant Article to Amend Stormwater Bylaw

To see if the Town will vote to amend Section 60-325 of the Town of Belmont General Bylaws ("Stormwater management and erosion control") as follows, or take any other action relative thereto:

1. By renumbering ^{Paragraph.} ~~Subsection C(3)~~ as C(4), and inserting a new ^{Paragraph} ~~Subsection C(3)~~ as follows:

(3) ~~For activities that are exempt from Subsection F pursuant to Subparagraph F(2)(d), the Conservation Commission shall be hereby authorized, in conjunction with its administration of the Wetlands Protection Act, impose such conditions regarding stormwater management and erosion control as are necessary to meet the design standards established by the Board of Selectmen pursuant to this Section, to the extent that those design standards are more stringent than required under the Wetlands Protection Act.~~

2. By ~~by striking, from Subparagraph F(2)(d), the initial phrase "Stormwater discharges that are authorized by" and replacing it with "Alterations for which all stormwater management has been reviewed and approved as part of," so that the Subparagraph reads:~~

(d) Alterations for which all stormwater management has been reviewed and approved as part of an order of conditions issued by the Conservation Commission;

3. By inserting, at the end of Subparagraph ~~F(4)(a)~~, the following additional sentence:

The Board of Selectmen shall be authorized to require, by regulation, that the design storms specified in the Stormwater Management Standards be defined using (1) the relevant rainfall distribution from a data set compiled by the Northeast Regional Climate Center, or (2) the relevant rainfall distribution from a data set adopted by a United States federal agency or a Massachusetts state agency.

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[Red-lined version of bylaw with amendments in context begins on the following page].

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3-10-15

Leave In
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voted.

DRAFT

§ xx Amendment or repeal of Bylaws; authority for Town Clerk to assign appropriate alphanumeric references and make corrections.

The General Bylaws may be adopted, repealed, or amended at any Town Meeting in accordance with law. At the direction of the Bylaw Review Committee, the Town Clerk shall assign appropriate alphanumeric references to sections, subsections, paragraphs, and subparagraphs of the General Bylaws and, in each case, the assignment of references or ~~editorial~~ ~~revisions~~ shall be identified by a footnote or other convention.

Chapter's articles

ARTICLE 5:

**AMEND GENERAL BYLAWS TO CORRECT TYPOGRAPHICAL
CLERICAL ERRORS**

To see if the Town will vote to amend the General Bylaws as follows:

- (1) By striking the word "its" from Paragraph D(4) of Section 60-200 and inserting, in place thereof, the word "their," so that the Paragraph, as amended, will read as follows:

Paragraphs (1), (2) and (3) of this Subsection shall not apply to a dog accompanying any person who, by reason of a handicap, is physically unable to comply with their requirements.

- (2) By inserting the word "Act" after "Disabilities" in the first sentence of Subsection I of Section 60-200, so that the sentence, as amended, will read as follows:

Except as the Board of Health may otherwise permit, no dogs, except those dogs that serve as service animals as defined by regulations issued pursuant to the Americans with Disabilities Act, 28 CFR 35.104, will be allowed in the following areas of the Town: all cemetery land, all public school playgrounds and athletic fields and all Recreation Department playgrounds and athletic fields.

- (3) By striking the word "abutter" from the first sentence of Paragraph C(3) of Section 60-205 and inserting, in place thereof, the word "abutters," so that the sentence, as amended, will read as follows:

The Town Clerk shall review the completed application, all comments received within 14 days of the notice to abutters given pursuant to Paragraph (2), and the kennel inspector's report.

and

- (4) By striking the word "of" from Subparagraph C(4)(g) of Section 60-1000 and inserting, in place thereof, the word "or," so that the Subparagraph, as amended, will read as follows:

Creation or construction of any temporary or other structure;

or in any way act thereon

Submitted by the Bylaw Review Committee